

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TRAVIS A. WILLIAMS,

Plaintiff,
v.

Case No. 20-cv-1805-bhl

MAKDA FESCAHAYE, et al.,

Defendants.

DECISION AND ORDER

On December 7, 2020, plaintiff Travis A. Williams, a prisoner who is representing himself, filed a complaint under 42 U.S.C. §1983. Less than a month later, he filed a motion to withdraw or amend his complaint. Dkt. No. 7. He explains that he prefers to file an amended complaint; he asks for ninety days to prepare his amended complaint.

Under Federal Rule of Civil Procedure 15, a plaintiff may amend his complaint one time without the court's permission either twenty-one days after serving the complaint on the defendants or within twenty-days of the defendants responding to the complaint. Because Williams was incarcerated when he filed his complaint, the Prison Litigation Reform Act (PLRA) applies to his case. Under the PLRA, a court must screen a prisoner's complaint to identify cognizable claims before the complaint is served on the defendants. The Court has not yet screened Williams' complaint, which means the complaint has not yet been served. Thus, under Fed. R. Civ. P. 15, Williams may file an amended complaint.

Williams does not explain why he needs ninety days to prepare his amended complaint, which need only contain a short and plain statement giving Defendants notice of what Williams

thinks they did or did not do to violate his rights. The amended complaint does not need to be excessively detailed or contain legal language or citations to statutes or cases; it simply has to tell the Court and Defendants why Williams believes he is entitled to relief. The Court believes Williams can prepare his amended complaint within thirty days. If Williams needs more time, he may file a motion asking for more time, but he must do so before the deadline and he must explain why he needs more time.

The Court is enclosing a copy of its complaint form and instructions. Williams must list all the Defendants in the caption of the amended complaint. He should use the spaces on pages two and three to explain the key facts that give rise to the claims he wishes to bring and to describe which defendants he believes committed the violations that relate to each claim. If there is not enough space on those pages, Williams may use up to five additional sheets of paper. The amended complaint takes the place of the original complaint, so it must be complete in itself. Williams may not refer the Court back to his original complaint. Instead, he must repeat in his amended complaint any of the facts from his original complaint that are necessary to his claims.

IT IS THEREFORE ORDERED that Williams' motion to withdraw or amend (Dkt. No. 7) is **GRANTED**. Williams may file an amended complaint by **February 3, 2021**. If Williams does not file an amended complaint or does not explain why he is unable to do so by the deadline, the Court will screen Williams' original complaint. The Court will enclose its complaint form with this decision.

Dated at Milwaukee, Wisconsin this 5th day of January, 2021.

BY THE COURT:

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge